

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

-----	X		
NEW ENGLAND CARPENTERS HEALTH	:		
BENEFITS FUND, et al.,	:		
	:		
Plaintiffs,	:	Civil Action	
v.	:	No. 05-11148-PBS	
	:		
FIRST DATABANK, INC., a Missouri	:		
Corporation; and MCKESSON CORPORATION,	:		
a Delaware Corporation,	:		
	:		
Defendants.	:		
-----	X		

MOTION PURSUANT TO LOCAL RULE 83.5.3(b)
FOR PERMISSION TO PRACTICE BEFORE THIS COURT

Upon the annexed Certificate and Affidavit of Good Standing of John P. Kern (Exhibit A hereto), I, Matthew J. Matule, a member of the Bar of this Court, and one of the attorneys for Defendant First DataBank, Inc., hereby move this Court to admit John P. Kern to practice before this Court for the purpose of this case as counsel for Defendant First DataBank, Inc., pursuant to Rule 83.5.3(b) of the Local Rules of the United States District Court for the District of Massachusetts.

Dated: May 3, 2007
Boston, Massachusetts

Respectfully submitted,

/s/ Matthew J. Matule
Matthew J. Matule (BBO #632075)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
One Beacon Street
Boston, Massachusetts 02108
(617) 573-4800
mmatule@skadden.com

Counsel for Defendant
First DataBank, Inc.

Certificate Of Service

I, Matthew J. Matule, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 3, 2007.

Dated: May 3, 2007

/s/ Matthew J. Matule
Matthew J. Matule

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Corporation; and MCKESSON	:	
CORPORATION, a Delaware Corporation,	:	
	:	
Defendants.	:	X

**CERTIFICATE AND AFFIDAVIT OF
GOOD STANDING OF JOHN P. KERN**

STATE OF CALIFORNIA)
) ss.:
COUNTY OF SANTA CLARA)

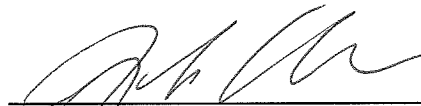
JOHN P. KERN, being duly sworn, deposes and certifies that he is an attorney at the firm of Manatt, Phelps & Phillips in Palo Alto, California, attorneys for defendant, First DataBank, Inc. in this action. Affiant further certifies that he is a member in good standing of the bar of the every jurisdiction wherein he has been admitted, including the following:

1. State of California;
2. United States District Court for the Northern, Central and Southern Districts of California; and
3. United States Court of Appeals for the Ninth Circuit.

Affiant further says and certifies that there are no disciplinary proceedings pending against him, and that he is familiar with the Local Rules of the United States District Court for the District of Massachusetts.

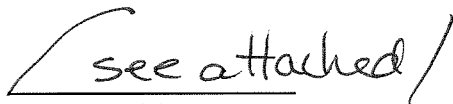
Dated: May 1, 2007
Palo Alto, California

Respectfully submitted,



John P. Kern
Manatt, Phelps & Phillips
1001 Page Mill Road, Building 2
Palo Alto, CA 94304
650-812-1317

Subscribed and sworn to before
me this 25th day of April 2007.



Notary Public

My Commission expires:

20180247.1

ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of

Santa Clara

} ss.

On May 1, 2007

(DATE)

before me,

NOLA M. Wutzke

(NOTARY)

personally appeared

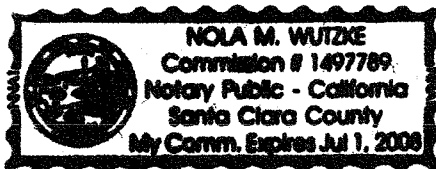
John P. Kern

SIGNER(S)

☐ personally known to me

- OR -

☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

NOLA M. Wutzke
NOTARY'S SIGNATURE

OPTIONAL INFORMATION

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgement to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- ☒ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S)
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

Certificate and Affidavit of
Good Standing of John P. Kern

TITLE OR TYPE OF DOCUMENT

two (2)

NUMBER OF PAGES

May 1, 2007

DATE OF DOCUMENT

OTHER

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

Self

RIGHT THUMBPRINT

OF
SIGNER

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